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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/980,238	02/19/2002	Koji Kuchiishi	34205	8161

116 7590 04/13/2004

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EXAMINER

DAO, MINH D

ART UNIT	PAPER NUMBER
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2682

DATE MAILED: 04/13/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/980,238	Applicant(s) KUCHIISHI ET AL.	
	Examiner MINH D DAO	Art Unit 2682	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

1. Claims 1, 2, and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meyer, Jr. et al. (US 5,588,041) in view of Sosnowski (EP 0963148A2).

Regarding claim 1, Meyer teaches a portable radio apparatus (see fig. 1, item 100) comprising: a radio circuit (see fig. 4, item 417); a speaker (see fig. 4, item 309); and a shield member for electromagnetically shielding the radio circuit from the speaker (see fig. 4, item 409). However, Meyer fails to teach that the shield member includes a ventilation hole. Sosnowski, in an analogous art, teaches a shielding system having a size that does not affect the shielding performance (see fig. 1, items 10 and 24; col. 3, sections [0011], and [0015]). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to provide the teaching of Sosnowski to Meyer in order to allow ventilation as taught by Sosnowski (col. 4, section [0015]).

Regarding claim 2, the combination of the teachings of Meyer and Sosnowski teaches a portable radio apparatus according to claim 1, wherein the shield member is a shield case disposed to cover the radio circuit (Reference Meyer, Fig. 4, item 409; col. 10, lines 11-16).

Regarding claim 4, the combination of the teachings of Meyer and Sosnowski teaches a portable radio apparatus according to claim 1, wherein the ventilation hole is provided in

close proximity of the sound hole at the rear of the speaker (Reference Meyer, see fig. 4, shielding apparatus 409 is placed at the rear of speaker 309).

2. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Meyer, Jr. et al. (US 5,588,041) in view of Sosnowski (EP 0963148A2) and further in view of Reiff et al. (US 5,406,038).

Regarding claim 3, the combination of the teachings of Meyer and Sosnowski teaches the limitations of claim 1. However, the combination fails to teach that the shield member is a holder having a shape to cover the rear and sides of the speaker. Reiff, in an analogous art, teaches a shielding device that covers the rear and the sides of a speaker (see fig. 2, items 44 (shielding means), and item 10 (speaker)). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to provide the teaching of Reiff to Sosnowski and Meyer in order to prevent RF energy from leaking to the outside of the housing of the device.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


a. Yagi et al. (US Patent 4,419,770) discloses Weist AM Receiver.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MINH D DAO whose telephone number is 703-305-5589. The examiner can normally be reached on 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, VIVIAN C CHIN can be reached on 703-308-6739. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Minh Dao
Examiner
Art Unit 2682
March 24, 2004 *mdp*


VIVIAN CHIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600
4/2/04